

National Broadcasting
Company, Inc.

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FEDERAL ELECTION
COMMISSION MAIL ROOM



1999 DEC -7 P 3: 02

December 7, 1999

General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4946

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
DEC 7 3 30 PM '99

Dear Sir or Madam:

On behalf of National Broadcasting Company, Inc. ("NBC"), CNBC, Inc. ("CNBC"), and MSNBC, LLC ("MSNBC"), (collectively referred to as "NBC News Networks"), I am responding to the above-referenced complaint filed by Robert Vinson Brannum which alleges that NBC News, CNBC News and MSNBC News have each violated the Federal Election Campaign Act of 1971.¹ Specifically, Mr. Brannum contends that each of the NBC News Networks has violated the FEC rulings "governing "reasonable access (or "equal time")" or FEC rulings prohibiting "any corporate contribution whatever to induce any gift of money or anything of value for the purpose of influencing a Federal election."

NBC is a global media company that owns and operates the NBC Television Network as well as 13 television stations. NBC provides more than 30 hours of news programming weekly. NBC owns CNBC, a 24-hour cable television network, offering live business news programming during the day and broad-based news, talk and entertainment programming during primetime. NBC also owns 50% of MSNBC and operates it in partnership with Microsoft. MSNBC delivers breaking news and in-depth coverage 24 hours a day on cable as well as on the Internet.

The Federal Election Campaign Act prohibits corporate contributions and expenditures in connection with a Federal election. 2 U.S.C. §441b(a). However, the Act specifically exempts from the definition of "expenditure": "any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate." 2 U.S.C. §431(9)(B)(i). Federal Election Commission regulations similarly exempt from the definitions of contribution and expenditure "[a]ny cost incurred in covering or carrying a

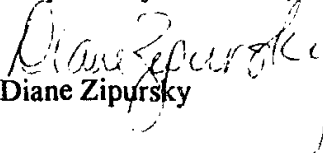
¹ CNBC and MSNBC were formally served with a copy of the complaint on November 23, 1999. NBC was also named in the complaint but has not yet been served. We are responding on behalf of all three entities.

news story, commentary, or editorial by any broadcasting station (including a cable television operator, programmer, or producer), newspaper, magazine, or other periodical publication. . . unless the facility is owned or controlled by any political party, political committee, or candidate." 11 C.F.R. 100.7(b)(2) and 100.8(b)(2).

As described above, each of the NBC News Networks is a press entity as described by the Act and regulations, and each of the NBC News Networks acts as a press entity in performing the media activities described in Mr. Brannum's letter. Furthermore, none of the NBC News Networks is owned by a political party, political committee, or candidate. Accordingly, the press coverage by these Networks of the federal election campaigns is exempt from the restrictions of the Federal Election Campaign Act. In any event, each of the NBC News Networks provides coverage of news events, including political campaigns, in a manner that is fair, accurate and balanced.

Accordingly, NBC News Networks respectfully submits that Mr. Brannum's complaint is without merit and should be summarily dismissed.

Respectfully submitted,


Diane Zipursky